

BILL NO. R-69-07-30

RESOLUTION NO. R- 69-48

RESOLUTION approving Supplement to Agreement
with Public Utility for Sewage Disposal Service
in Suburban Area.

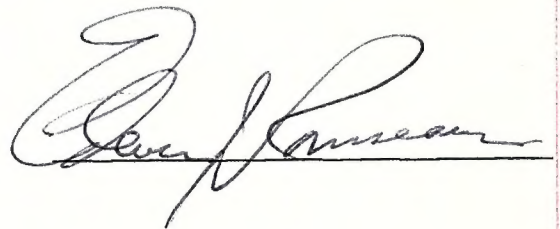
WHEREAS, certain additional covenants have been agreed upon between the City of Fort Wayne and John N. Pichon, Jr., Trustee of Diversified Utilities, Inc., in connection with the Agreement dated November 26, 1968 for sewage disposal service for the Aboite Township Area; and

WHEREAS, a Supplement to said Agreement was executed by the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and John N. Pichon, Jr., Trustee of Diversified Utilities, Inc., on July 14, 1969; and

WHEREAS, a copy of said Supplement to Agreement is attached hereto and made a part hereof;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

RESOLVED, That the Supplement, dated July 14, 1969, to the Agreement between City and Public Utility for Sewage Disposal Service in Suburban Area, is hereby in all things approved.



APPROVED AS TO FORM
AND LEGALITY



CITY ATTORNEY

SUPPLEMENT TO
AGREEMENT BETWEEN CITY AND PUBLIC UTILITY
FOR SEWAGE DISPOSAL SERVICE IN SUBURBAN AREA

THIS SUPPLEMENT, made and entered into this 14th
day of July, 1969, to Agreement dated the 26th
day of November, 1968, by and between CITY OF FORT WAYNE,
INDIANA, ("CITY"), and JOHN N. PICHON, JR., TRUSTEE OF DIVERSI-
FIED UTILITIES, INC. ("UTILITY"), pertaining to Aboite Township,

W I T N E S S E T H:

WHEREAS, the parties hereto desire to supplement the
above-captioned Agreement as hereinafter provided;

NOW THEREFORE, in consideration of the mutual covenants
and agreements contained herein and in said Agreement, the
parties hereto agree as follows:

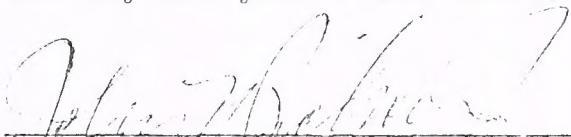
1. In Section 5 titled "Construction of Facilities",
at the end of the first paragraph thereof, there shall be
added an additional sentence reading as follows: "It is further
agreed that CITY shall pay the additional costs incurred in
oversizing the force main referred to in Section 3 of the Agree-
ment to a fourteen (14) inch pipe. The parties agree that the
costs of oversizing is \$ 15,000.00. Such payment shall
be made upon the completion of construction and the furnishing
to CITY of a statement setting forth the cost of construction
as hereinafter provided in this Section 5."

2. In Section 7 of the Agreement, titled "Owner-
ship of Facilities", the second sentence of the first paragraph
thereof shall be stricken and the following sentence shall be
substituted in its place and stead: "The force main installed
by UTILITY shall be the property of UTILITY and shall not
become the property of CITY unless and until such time as
the same has been paid for in its entirety by the rebate pro-
vided in Section 6 hereof; in the event CITY fails to

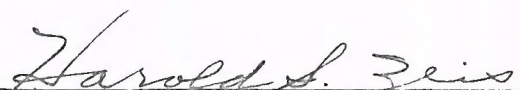
make the required escrow hereunder or defaults in rendering the required services, then if UTILITY so elects, and without prejudice to any of its other rights or remedies, UTILITY may terminate any rights which CITY has to acquire said force main; provided however, that if UTILITY so terminates said rights it shall repay to CITY the cost of oversizing, said sum of Fifteen Thousand Dollars (\$15,000.00)."

3. All other terms and conditions of said Agreement shall remain in full force and effect.


IN WITNESS WHEREOF, the parties hereto have executed this Supplement to Agreement the day and year first above written.


(JOHN N. PICHON, JR., not personally,
but as Trustee in Reorganization of
Diversified Utilities, Inc.)

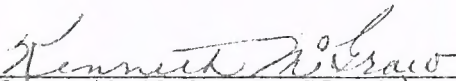
CITY OF FORT WAYNE, INDIANA

By 
(HAROLD S. ZEIS, City Mayor)

BOARD OF PUBLIC WORKS

By 
(FRED S. EHRMAN)

ATTEST:

BY 
(Kenneth McGraw, Clerk)

By 
(ROBERT W. DAHMAN)

By 
(GEORGE F. GABLE)

STATE OF INDIANA }
COUNTY OF ALLEN } SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the above-named JOHN N. PICHON, JR., to me known and known by me to be the person, who as Trustee of DIVERSIFIED UTILITIES, INC., signed

the foregoing instrument as Trustee; that the same is his free and voluntary act and deed as such Trustee.

IT WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of July, 1969.

Geraldine Catherine Bahr
(Notary Public)

My Commission Expires:

June 14, 1970

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

Before me, a Notary Public in and for said County and State this 14th day of July, 1969, personally appeared the within named HAROLD S. ZEIS, Mayor and Chief Executive Officer of the City of Fort Wayne, Indiana; the within named FRED S. EHRLMAN, ROBERT W. DAHMAN, and GEORGE F. GABLE, members of the BOARD OF PUBLIC WORKS, City of Fort Wayne, Indiana; and KENNETH McGRAW, Clerk of the Board of Public Works of the City of Fort Wayne, Indiana, to me personally known, who, being by me duly sworn, said that they are respectively the Mayor and Chief Executive Officer of the City of Fort Wayne, the Members and the Clerk of the Board of Public Works of the City of Fort Wayne, Indiana, and that they signed said instrument on behalf of the City of Fort Wayne and its Water Works and Sewage Departments of the City of Fort Wayne, Indiana, with full authority so to do, and acknowledged said instrument to be the voluntary act and deed of said Department and said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

E. J. Smith
(Notary Public)

My Commission Expires:

My commission expires
October 13, 1970

Approved as to form and legality.

Robert E. Meyers
ROBERT E. MEYERS, Associate City Attorney

Bill No. R-69-07-30

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance

approving Supplement to Agreement with Public Utility for Sewage Disposal

Service in Suburban Area,

have had said Ordinance under consideration and beg leave to report back to the Common

Council that said Ordinance Do PASS.

EDWIN J. ROUSSEAU, Chairman

JOHN H. ROBINSON, Vice-Chairman

THOMAS G. ADAMS

JACK K. DUNIFON

PHIL A. STEIGERWALD

Edwin J. Rousseau
John H. Robinson
Thomas G. Adams
Jack K. Dunifon

CONTINUED IN
DATE 7-5-69 FUAD G. BONAHOOM, CITY CLERK

Read the first time in full and on motion by Rousseau seconded by Robinson and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the City Planning Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____ 196____, at _____ o'clock P.M., E.S.T.

Date:

7-22-69

Thad J. Bonachum
City Clerk

Read the third time in full and on motion by Robinson seconded by Rousseau and duly adopted, placed on its passage.
Passed (~~lost~~) by the following vote:

AYES 8, NAYS 0, ABSTAINED _____, ABSENT 1 to-wit:

Adams	<u>✓</u>	_____	_____	_____
Dunifon	<u>✓</u>	_____	_____	_____
Fay	<u>✓</u>	_____	_____	_____
Geake	<u>✓</u>	_____	_____	_____
Nuckols	<u>✓</u>	_____	_____	_____
Robinson	<u>✓</u>	_____	_____	_____
Rousseau	<u>✓</u>	_____	_____	_____
Steigerwald	_____	_____	_____	<u>✓</u>
Tipton	<u>✓</u>	_____	_____	_____

Date

8-5-69

Thad J. Bonachum
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(Zoning Map)(General)(Annexation)(Special)(Appropriation)~~ Ordinance (Resolution) No. R-69-48

on the 5th day of August, 1969.

ATTEST:

(SEAL)

Thad J. Bonachum
City Clerk

Herbert H. Tipton
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 6th day of August, 1969 at the hour of 8:30 o'clock A.M.,E.S.T.

Thad J. Bonachum
City Clerk

Approved and signed by me this 7th day of August, 1969, at the hour of 10:00 o'clock A.M.,E.S.T.

Harold S. Zeis
Mayor